

**CHAPTER NO. 7**

**HOUSE BILL NO. 312**

**By Representatives Pinion, Phelan**

**Substituted for: Senate Bill No. 263**

**By Senator Carter**

AN ACT to repeal Chapter 458 of the Acts of 1901, and all Acts amendatory thereto, relative to continuing the corporate existence of the City by enacting a new Charter for the City of Milan, Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The City of Milan, Tennessee, shall continue as a body politic and corporate by the name and style of Milan, Tennessee, and this Act shall constitute its complete Charter. The City of Milan shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

SECTION 2. Definitions. As used in this Charter, the following words and terms shall have the following meanings:

(a) "Alderman" means a person elected to the office of Alderman as provided in this Charter.

(b) "Board of Mayor and Aldermen" and "Board" means the Legislative Body of the City, which shall be composed of the Mayor and eight (8) Aldermen elected as provided in this Charter.

(c) "City" or "municipality" means the City of Milan, Tennessee.

(d) "Elector" means a qualified voter residing within the City and has so resided within the corporate limits for thirty (30) days. Any nonresident who owns property within the city limits worth one thousand dollars (\$1,000) or more of assessed value shall also be allowed to vote in city elections.

(e) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization.

(f) The masculine includes the feminine, and the singular includes the plural and vice versa, except when the contrary intention is manifest.

SECTION 3. Boundaries. The boundaries of the City shall be those fixed by Chapter 458 of the Acts of 1901, all Acts amendatory thereof, and annexations made pursuant to general law. The precise boundaries shall be kept on record by the City Recorder.

SECTION 4. Corporate Powers. The City shall have power to:

(1) Assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation.

(2) Levy and collect privilege taxes on businesses, privileges, occupations, trades, and professions, and to levy and collect any other kind of tax not prohibited to cities by the Constitution or general law.

(3) Levy and collect registration fees on motor vehicles and to regulate all matters concerning traffic within the City not specifically addressed by the Tennessee Code Annotated, including, but not limited to, speed limits, parking, stopping and yielding, turning movements and street marking and designation.

(4) Appropriate and borrow money, and to authorize the expenditure of money for any municipal purpose.

(5) Acquire land, including improvements thereon, easements, or limited property rights thereto, by purchase, gift or condemnation, for public use, for present or future use by the City, to reserve industrial sites, to provide open spaces, to encourage proper development of the City, or for the general welfare of the City. Such acquisitions may be within or outside the City.

(6) Grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty-five (25) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by such state or federal agency having jurisdiction in such matters.

(7) Provide for the acquisition, construction, building, operation, and maintenance of: public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, water works, docks, gas works, marinas, forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and any other public improvements inside or outside the City; and to regulate the use thereof; and for such purposes property may be either acquired or taken under applicable laws.

(8) Make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The City shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made.

(9) Prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(10) Provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts.

(11) Define, regulate, and prohibit any act, practice, conduct, or use of property, that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the City, and exercise general police powers;

(12) Establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the City, and to provide for the enforcement of such standards.

(13) Regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance.

(14) Regulate and license vehicles operated for hire in the City, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(15) Provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty, or forfeiture up to the limits prescribed by the general laws of the State of Tennessee.

(16) Plan for the orderly development of the City, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans.

(17) Establish codes containing specifications of minimum standards for building, electric, fire safety, gas and plumbing of all structures, commercial or residential, within the City.

(18) Establish and regulate a Municipal Court in accordance with the general laws of the State of Tennessee in the manner provided in Section 19 of this Charter. Under the authority of T.C.A. 16-18-201 et seq, the City of Milan desires to bring its Municipal Court into compliance with Article VI, Section 4 and other provisions of the Tennessee Constitution related to courts. The Municipal Court shall have the authority to exercise jurisdiction concurrent with Courts of General Sessions in all cases involving the violation of the criminal laws of the State within the corporate limits of the City.

(19) Regulate the sale of beer within the municipality in accordance with the general laws of the State of Tennessee. These powers shall include but not be limited to the establishment and operation of a beer board, the issuance of permits and setting of standards for applicants of said permits, location of retailers and physical standards for such locations, the establishment of classes of permits according to whether beer is sold for on or off premises consumption, limitation on the number of permits to be issued and the authority to suspend, revoke or fine permit holders for the violation of such regulating ordinances.

(20) Regulate the operation of peddlers, solicitors and yard sales within the City. These powers shall include but not be limited to the authority to issue permits and require such for said activities, limit the hours and locations of such, including limiting the amount of time "going out of business" sales may be continued.

(21) Prohibit offenses against the peace and dignity of the municipality including, but not limited to, disturbing the peace through loud and boisterous conduct, blowing of horns except as a warning or in case of emergencies,

extraordinarily loud playing of radios or other apparatus for the replication of sound and limits on excessive noises near churches, schools or hospitals.

(22) Prohibit interference with public operations or personnel including, but not limited to, the impersonation of government officials and employees and the turning in of false emergency alarms for either fire, police, medical aid or public works.

(23) Prohibit the discharge of air rifles or pistols, "BB" guns, slingshots and firearms within the municipality.

(24) Prohibit the abandoning of any refrigerator, freezer, cave, well or cistern in an unsecured manner in any location accessible to children.

(25) Regulate the posting or erection of any sign, leaflet or other notice.

(26) Regulate the uses of land in accordance with the general laws of the State of Tennessee.

(27) Regulate the location, size, individual lot size, water and electrical supply, sewage and garbage disposal, streets and parking areas, and require permits and permit fees of mobile home parks within the municipality.

(28) Regulate the disposal of refuse within the City. These powers shall include but not be limited to the size and location of containers for such disposal, dates and times of refuse pick up, designation of authorized sites of disposal and prohibition against disposal at unauthorized sites and the setting of fees for said disposal.

(29) Regulate the use of water within the municipality. Such powers shall include but not be limited to the requirement of an application for service, the establishment of temporary service charges and connection fees, extension of water and sewer services, use of meters, requirements for billing and payment of bills, inspections and access to premises for inspections, penalties for unauthorized use of service and schedules of rates for services.

(30) Regulate the use of sewers and the discharge of wastewater within the City pursuant to the laws of the State of Tennessee and the United States. Such powers shall include but not be limited to the establishment of permits, fees and billing procedures, requirement of connection to public sewers if such service is offered, regulations and specifications for private domestic wastewater disposal if public sewer service is unavailable, industrial monitoring and inspection, rules on the content and amount of discharge and enforcement and abatement of cases of violations of such provisions.

(31) Regulate the use of natural gas if such service is offered by the municipality. Such powers shall include but not be limited to the establishment of temporary service charges and connection fees, extension of services, use of meters, requirements for billing and payment of bills, inspections and access to premises for inspections, penalties for unauthorized use of service and schedules of rates for services.

(32) Regulate the use of electric power offered by the municipality. Such powers shall include but not be limited to the establishment of temporary service charges and connection fees, extension of services, use of meters, requirements for billing and payment of bills, inspections and access to premises for

inspections, penalties for unauthorized use of service and schedules of rates for services.

(33) Provide for penalties to be assessed for violation of any ordinance promulgated as a result of this Charter.

(34) Establish and regulate a Police Department, Fire Department and such other departments that may be necessary to the operation of the City.

(35) Make special assessments for local improvements.

(36) Contract and be contracted with.

(37) Condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the municipality for present or future public use.

(38) Issue and give, sell, pledge or in any manner dispose of general obligations, revenue bonds for public works projects, general obligation refunding bonds, revenue refunding bonds, bond anticipation notes, capital notes, grant anticipation notes and tax anticipation notes, all in accordance with Tennessee Code Annotated, Sections 9-21-101, et seq..

(39) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of or encumber public utilities or any estate or interest therein, or any other utility or service to the municipality, its inhabitants, or any part thereof, and may issue debt for these purposes under the Local Government Public Obligation Act compiled in Title 9, Chapter 21 of Tennessee Code Annotated;

(40) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take the appropriate property therefor under the provisions of Sections 7-31-107–7-31-111 and 29-16-114, or any other manner provided by general law.

(41) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys, or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Title 7, Chapters 32 and 33.

(42) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board.

(43) Exercise and have all other powers, functions, rights, privileges, and immunities granted by general laws or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this Charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the State.

#### SECTION 5. City Hospital.

(1) The City of Milan is hereby authorized to acquire, construct, purchase, lease or obtain by gift or otherwise a hospital for the City, including the site, equipment, and all appurtenant facilities, with the primary facility to be situated within the corporate limits of the City, and any other hospital facilities outside the corporate limits as deemed necessary and appropriate by the Board of Mayor and Aldermen. Any contract, lease or agreement entered into by the City of Milan in connection with such acquisition, construction, purchase, or lease may provide for the payments of such installments, rentals or other payments by the City and may provide for such other terms as may be determined by the Board of Mayor and Aldermen. For the purpose of providing funds for the payment of any such installments or rentals, and any other payments required by any such contract, lease or agreement, and the cost of operation and maintaining such hospital(s), the Board of Mayor and Aldermen is authorized to levy in each year taxes on all taxable property in the City which shall be sufficient for such purpose. Such levy of taxes shall be in addition to all other taxes which may be levied by said City, and shall be without limitation as to rate or amount. In operating the hospital(s), the City of Milan is hereby authorized to operate and maintain in connection with its provision of medical services, a home health care agency, rural primary care center(s) outside the municipal boundaries, sub-acute care, skilled or intermediate nursing care, either within the hospital(s) or in free-standing facilities, including all equipment necessary to permit the hospital(s) to provide the full spectrum of current and future medical and nursing care for the citizens of Milan, Gibson County and adjacent service areas. In recognition of the hospital's traditional mission of providing educational and preventative medical services, the facilities of the hospitals, together with those facilities housing the hospital's outreach programs, are specifically dedicated to the mission of medical and health care education, and the delivery of preventive medical services and the goal of providing for the health and well-being of the citizens of Milan, Gibson County and adjacent service areas.

(2) The Board of Mayor and Aldermen may authorize a Board of seven (7) trustees to operate said hospital for the Board of Mayor and Aldermen. The term of office of each of the trustees shall be five (5) years.

(3) Such trustees shall serve without pay, provided that they may be reimbursed for their reasonable expenses incurred as a result of such office.

(4) There shall be two (2) additional members appointed on a yearly basis to serve a term of one (1) year. One of the additional members shall be a member of the medical staff and shall be recommended by the Hospital Board of Trustees and confirmed by the Board of Mayor and Aldermen at its regular meeting on the second Tuesday in January each year, and such member's term of office shall begin on such date. The other member shall be a representative of

the Board of Mayor and Aldermen, appointed by the Mayor at the regular meeting of the Board on the second Tuesday in January each year and such member's term of office shall begin on such date.

(5) Any vacancy occurring on the Board of Trustees shall be filled by the Board of Mayor and Aldermen electing a successor to fill the unexpired term at any regular or special meeting.

(6) In operating the hospital(s) and any facilities/services enumerated above, the City of Milan is hereby authorized to operate and maintain in connection therewith laboratories, x-ray departments, a pharmacy or pharmacies to compound and dispense medicines for the use of the hospitals and any facilities/services enumerated above, inpatients, outpatients, and other departments and functions usual and customary for a general hospital and the facilities/services enumerated above.

(7) The Trustees of said hospital are authorized to operate such hospital or hospitals under the Rules and Regulations promulgated by the Board of Mayor and Aldermen of Milan, Tennessee, the laws of the State of Tennessee, and Rules and Regulations of the Department of Public Health of the State of Tennessee.

SECTION 6. Municipal Elections, Start of Term and Oath of Office. The Board of Mayor and Aldermen shall consist of a Mayor, who shall serve a four (4) year term, and eight (8) Aldermen, who shall also serve four (4) year terms. The Mayor shall be elected at large. Two (2) Aldermen shall be elected from each of the four (4) wards of the City and Aldermen shall be elected to staggered terms. The recorder shall keep a map of the City showing the boundaries of each ward. Each Alderman shall be a resident of the ward from which he/she is elected. If an Alderman moves from such ward his/her position shall become vacant and said vacancy filled as provided for in this Charter. The candidate for Mayor receiving the highest number of votes shall be declared elected and the four candidates receiving the highest number of votes for alderman shall be declared elected. In case a candidate for Mayor or for an Aldermanic position does not receive a majority (50%) of the vote for a position, the City shall conduct, within forty-five (45) days of the regular election, a run-off election between the two candidates that received the greatest number of votes cast.

The election date for the offices of Mayor and Aldermen shall be on the first Tuesday following the first Monday of November of each succeeding year for the offices which will be vacated the following January 1. The terms of office for the Mayor and Aldermen shall begin on January 1st following their election. Effective with Aldermen elected in November 1998, the term of office will be four (4) years and effective with the Mayor and Aldermen elected in 1999, the term of office will be four (4) years. All successors elected thereafter will serve four (4) years.

Before a person takes any office in the City government, such person shall subscribe to the following oath or affirmation, administered before any officer authorized to administer oaths: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Milan, and that I will faithfully discharge the duties of the office of \_\_\_\_\_."

Any qualified voter who has been a resident of the City for at least one (1) year may be qualified as a candidate for Mayor or Alderman.

SECTION 7. Restrictions on Candidates. Giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, is a violation of this Charter. Any person who violates this provision, shall be ineligible to hold an office or position of employment in the City government for a period of five (5) years thereafter.

SECTION 8. Board of Mayor and Aldermen.

(1) The Mayor and eight (8) Aldermen elected under this Charter shall compose of the Board of Mayor and Aldermen, in which is vested all corporate, legislative and other powers of the City, except as otherwise provided in this Charter.

(2) The compensation of the Mayor and Aldermen shall be set by ordinance, but the salary of the Mayor or any Alderman shall not be changed during their term of office, except that the Mayor will receive the cost of living raise, if awarded to the employees. The Mayor, Aldermen, City Attorney, Assistant City Attorney and Municipal Judge may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties. Pursuant to Tennessee Code Annotated Title 8, Chapter 27, Part 6, the City of Milan is hereby authorized to bear the expense of group life, hospitalization, disability, or medical insurance for officers and employees of the City, including but not limited to the Mayor and Board of Aldermen, up to an amount equaling one hundred percent (100%) of the cost of such program. The City of Milan is authorized to provide the above coverages, up to an amount equaling one hundred percent (100%) of the cost, for the Mayor, Board of Aldermen and all department heads and their families.

(3) The Board of Mayor and Aldermen shall meet regularly at least once every month at the times and places prescribed by ordinance. The Board shall meet in special session on written notice of the Mayor or any four (4) Aldermen and served on the other members of the Board or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meeting.

(4) A majority of the Board of Mayor and Aldermen, excluding any vacancies, shall constitute a quorum. The ayes and nays of all votes on ordinances and resolutions shall be recorded in the journal. The Board may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

SECTION 9. Mayor as Presiding Officer. The Mayor shall preside at meetings of the Board. He shall have a vote only in the event of a tie, then he shall cast the vote breaking such tie. He shall be recognized as the ceremonial head of the City. He shall be the officer to accept process against the City, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this Charter.

SECTION 10. Vice-Mayor. There shall be a Vice-Mayor who shall be selected at the first meeting in January each year. The Vice-Mayor shall be selected by the Mayor and shall be confirmed by the Board. The Vice-Mayor shall be on the Board. His compensation shall be fifty (\$50) dollars more than the compensation of other members of the Board. The term of office of the Vice-Mayor shall be for a period of one (1) year. The Vice-Mayor shall perform the duties of the Mayor during his temporary absence or

inability to act. In case of a vacancy in the office of Mayor, the Vice-Mayor shall fill out the remaining time, from the day of vacancy, until January following a regular or special election in November. If the Vice-Mayor is filling out a term in the office of Mayor, his position as Vice-Mayor shall become vacant and the Board shall select another of their number to fill out the unexpired term of the Vice-Mayor.

SECTION 11. Treasurer. There shall be a Treasurer who shall be selected at the first meeting in January each year. The Treasurer shall be selected by the Mayor and shall be confirmed by the Board and be a member of the Board. The Treasurer's compensation shall be fifty dollars (\$50) more than the compensation of other members of the Board. The term of office of the Treasurer shall be for a period of one (1) year.

SECTION 12. Vacancy on Board. The Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves his/her residence from the City, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him or her from discharging the duties of his or her office.

The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy from the day of vacancy, until January following a regular or special election in November.

SECTION 13. Restrictions on Aldermen. The Aldermen shall act on all matters as a body, and no member shall seek individually to influence the official acts of any officer or employee of the City, or to direct or request the appointment of any person to, or such person's removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. Nothing herein contained shall prevent the Board from conducting such inquiries into the operation of the City government and the conduct of the City's affairs as it may deem necessary.

SECTION 14. Ordinances. Any action of the Board having a regulatory or penal effect, awarding franchises, or required to be done by ordinance under this Charter or the general laws of the State, shall be done only by ordinance. Other actions may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the City of Milan:". Every ordinance must be approved on two (2) readings and there shall be no more than one (1) reading on any one day. A majority of the Board of Mayor and Aldermen shall vote in favor of an ordinance or it shall be deemed as failed. An ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading, adoption and being signed by the Mayor unless a different effective date is designated in the ordinance.

All duly enacted ordinances and this Charter shall be compiled in a well-bound volume(s) to be known as the "Milan Municipal Code."

SECTION 15. Organization of City Government. The City government shall be organized into such departments and offices as shall be provided by ordinance. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board may establish, abolish, merge, or consolidate offices, positions of employment and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment and departments.

SECTION 16. Administrative Duties of Mayor. The Mayor shall be the chief executive officer of the City. The Mayor:

(1) Shall have access to all of the books, records, offices and papers of every kind pertaining to the City's business.

(2) Shall present in writing or verbally to the Board his/her recommendations on the needs of the City.

(3) May make temporary appointments to the offices of Recorder, Attorney, or Judge in cases of sickness, absence or other temporary disability. Temporary appointments shall be effective until such time as they are confirmed or rejected by the Board.

(4) Shall make appointments to boards and commissions as authorized by law.

(5) Shall take all proper measures for the preservation of public order and preservation of the peace and may call upon the Governor for aid.

(6) Shall sign all checks and drafts drawn upon the Treasury by the Recorder.

(7) Shall sign all contracts authorized by the Board to which the City is a party.

(8) Shall, at the first meeting in January, appoint a Vice-Mayor, Treasurer, City Attorney, and Municipal Judge. No later than the February meeting, the Mayor shall appoint a City Recorder and the heads of each department of the City, and, if necessary, an assistant City Attorney, and City Accountant.

(9) Shall preside at meetings of the Board.

(10) Shall supervise all administrative duties of the City.

SECTION 17. City Recorder. The Mayor, with the approval of the board, shall appoint a City Recorder.

The Recorder shall keep and preserve the City seal and all official records not required by law or ordinance to be filed elsewhere; attend all meetings of the Board and maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and prepare and certify copies of official records. The Recorder shall maintain the Milan Municipal Code in a current and usable manner and shall furnish the Mayor and each Alderman with a copy of said code upon assuming office for use of the Alderman during his/her term in office. The Recorder shall provide, copy and when required by any officer, certify copies of records, papers and documents in his/her office.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected.

SECTION 18. City Attorney. The Mayor, with the approval of the Board, shall appoint a City Attorney. The City Attorney shall be responsible for advising the Board and officers and employees concerning legal aspects of their duties and responsibilities;

approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board. The City Attorney shall be licensed to practice law in the State of Tennessee.

The Mayor, with the approval of the Board, may appoint an Assistant City Attorney. The Assistant City Attorney shall be licensed to practice law in the State of Tennessee. The assistant will perform such duties as may be prescribed by the Mayor and Board.

#### SECTION 19. Municipal Court

##### (A) Municipal Judge - Election Term Salary Etc.

(I) A Municipal Judge shall be elected in a popular election to a term of eight (8) years, in accordance with Article VII, Section 5 of the Tennessee Constitution. Upon the effective date of this Charter, the Board of Mayor and Aldermen shall have the authority to appoint a Municipal Judge to serve until a Municipal Judge is elected and qualified in the August general election to be held in 1999. At the August general election to be held in 1999 a Municipal Judge shall be elected for a seven (7) year term by the qualified voters of the City, and shall take office September 1, next following his or her election to serve until September 1, 2006. Beginning with the regular August election in 2006, and every eight (8) years thereafter, the qualified voters of the City shall elect a Municipal Judge to serve an eight (8) year term of office.

(II) The Municipal Judge shall be a resident of the City of Milan, Tennessee, or within a three-mile area of Milan, for one year and shall continuously reside within the City or within a three (3) mile area of Milan, during his or her term of office. The Judge shall also have been a resident of the State of Tennessee for five years, before his or her election, be at least thirty (30) years of age, and licensed to practice law in the State of Tennessee.

(III) In accordance with Article VII, Section 5, vacancies in the office of Municipal Judge shall be filled by the Board of Mayor and Aldermen until an election can be had to fill the vacancy at the next biennial election of civil officers in August occurring more than thirty (30) days after the vacancy occurs.

(IV) The salary of the Municipal Judge shall be set by the Board of Mayor and Aldermen and shall not be altered during the judge's term of office.

The jurisdiction of the Municipal Judge shall extend to the trial of all offenses against the ordinances of the City, and costs in such trials shall be fixed by ordinance. The Municipal Judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order including the power which the court of general sessions has to fine for contempt. Penalties shall not exceed the amount set by general law for General Sessions Courts. The sole compensation for serving as Municipal Judge shall be a salary fixed by the Board, and all fees for actions or cases in his or her court shall belong to the City and shall be paid into the City Treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the Municipal Judge shall be fixed by the Municipal Judge, upon such security as in the Municipal Judge's discretion the Judge deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the judge as provided by ordinance; such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in triplicate: the original to the depositor, duplicate and money to the Recorder, and triplicate to the Municipal Judge within twenty-four (24) hours after the arrest.

Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon willful failure to pay fines and costs or to furnish security, the Municipal Judge shall commit the offender to the appropriate facility for incarceration until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no person shall be continuously confined in excess of sixty (60) days. Receipts of the Municipal Court shall be deposited with the Recorder and the Municipal Judge shall make monthly reports thereof to the Board.

The Municipal Judge shall keep a docket of all cases handled by the Judge.

The Municipal Judge shall be exclusive judge of the law and the facts in every case before him/her, and no officer or employee of the City shall attempt to influence the Judge's decision except through pertinent facts presented in open court.

(B) Municipal Court Clerk

(I) At the August general election in 1999, and each and every four years thereafter, the Municipal Court Clerk shall be elected by the qualified voters of the City for a four-year term and the clerk shall take office on September 1, next following his or her election. However, the office of Municipal Court Clerk during the interim period between the effective date of this Charter and September 1, 1999, shall be filled by the Board of Mayor and Aldermen.

(II) The Municipal Court Clerk shall be a resident of the City of Milan, Tennessee, one year next preceding his or her election, and shall continuously reside within the City during his or her term of office.

(III) The Municipal Court Clerk shall take the oath of office prescribed for clerk of Courts of General Sessions.

(IV) The Municipal Court Clerk shall have all powers and duties prescribed for clerk of Courts of General Sessions by state law.

(V) The Municipal Court Clerk shall generally be subject to removal for the same causes public officers in general are subject to removal. In addition, the Municipal Judge may remove the Municipal Court Clerk:

- (a) Upon conviction of a misdemeanor in office or of a felony;
- (b) Failing to give security required by law or ordinance;
- (c) For failing to pay over public money collected officially;

(d) For incapacity, neglect of duty, or misbehavior in office;

(e) For any other cause to which the penalty of removal is attached by law.

(VI) The Mayor and Board of Aldermen is authorized to appoint a deputy court clerk or clerks.

SECTION 20. City Accountant. The Mayor, with the approval of the Board, may appoint a City Accountant. The City Accountant must be a CPA and shall be responsible for advising the Mayor, City Recorder, and Board concerning matters of finance and accounting.

SECTION 21. Officers and Employees. Only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled unless an emergency that demands the immediate filling of a position arises. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

SECTION 22. Personnel Actions. Only the offices and positions of employment provided for in the annual budget, as provided by the Board, shall be filled. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work and availability of persons having the qualifications desired.

SECTION 23. Personnel Rules. The Board may adopt personnel rules and regulations governing employment by the City, not inconsistent with the provisions of this Charter. Said regulations may be amended at the sole discretion of the Board.

SECTION 24. Bonds. The Recorder, Treasurer and such other officers and employees as may be designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board with some surety company authorized to do business in the State of Tennessee, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board and the cost of such bonds shall be paid by the City.

SECTION 25. Political Activity. No full-time employee of the City shall continue in the employment of the City after becoming a candidate for nomination or election to any City office, but this provision shall not apply to the Mayor, Aldermen, members of boards or commissions, the City Attorney or the Municipal Judge, and this provision shall not prohibit the City Recorder from becoming a candidate for the office of Municipal Court Clerk. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for or on account of or in connection with employment by the City government. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee of the City in connection with any City election. Upon a finding that a person who by himself/herself or with others willfully or corruptly violates any provision of this section, such person shall immediately forfeit and vacate the office or position he/she holds and such person shall be ineligible to hold any office or position of employment in the City government for a period of five (5) years thereafter.

SECTION 26. Prohibited Acts. No officer or employee shall accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the City.

SECTION 27. Fiscal Year. The fiscal year of the City government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year.

SECTION 28. Annual Budget. Prior to the beginning of each fiscal year, the Mayor shall submit to the Board a proposed budget for the next fiscal year, by line item, showing separately each department, for the general fund, and every other fund, the following:

- (a) revenue and expenditures during the preceding year;
- (b) estimated revenue and expenditures for the current fiscal year;
- (c) estimated revenue and recommended expenditures for the next fiscal year; and
- (d) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary.

A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Alderman.

SECTION 29. Public Hearing on Budget. After receiving the proposed budget, the Board shall fix a time and place for a public hearing thereon. A notice of the hearing shall be published one (1) time in a newspaper having general circulation in the City. The publication shall appear at least ten (10) days in advance of the date of the hearing.

SECTION 30. Adoption of Budget. After the public hearing on the Budget, the Board shall adopt the budget with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year. However the Board by resolution may transfer moneys from one appropriation to another, within the same fund.

SECTION 31. Control of Expenditures. The Board shall be responsible for controlling expenditures of the various agencies of the City government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations of a fund, without the approval of the Board.

SECTION 32. Unauthorized Contract or Expenditure. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the City shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the City for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for his/her removal.

SECTION 33. Sale of Property. The Mayor may sell City property which is obsolete, surplus or unusable; provided, however, that any sale for more than five

hundred dollars (\$500) or any sale of real estate shall be subject to approval by the Board.

SECTION 34. Property Taxes. All property subject to taxation shall be subject to the property tax levied by the City pursuant to the general laws of the State of Tennessee.

SECTION 35. Omitted Property. The City Recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the City.

SECTION 36. Tax Levy. The Board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation. Said levy shall be made in a manner pursuant to the general laws of the State of Tennessee.

SECTION 37. Tax Due Dates and Tax Bills. The due dates of property taxes and method of payment of such taxes shall be fixed by ordinance. The City shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and tax, penalty, or interest thereon. Property taxes which become delinquent shall be subject to penalty and interest which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a court of record.

SECTION 38. Collection of Delinquent Taxes. The Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor for the sale of goods and chattels to be executed by any police officer of the City under the laws governing execution of such process; or by the county trustee as provided by general law; or by the City Attorney acting in accordance with general laws providing for the collection of delinquent City or county taxes; by garnishment; by suits in chancery; or by any two (2) or more of the foregoing methods, or by the use of any other available legal processes and remedies.

SECTION 39. Taxes Not To Be Excused. No officer or employee of the City shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the City, but errors may be corrected when authorized by the county property assessor.

SECTION 40. Disbursement by Check. All disbursements, except for any agency of the City administered by a board or commission, shall be made by checks signed by the City Treasurer, Mayor or Vice-Mayor. The Board may designate other officers to sign such checks in the absence or disability of the Mayor.

SECTION 41. Official Depository. The Board shall designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the Board.

SECTION 42. Cooperative Agreements and Contracts. In addition to other powers granted in this Charter, the Board shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or State government, for the exercise of any power or function which the City is authorized to undertake by this Charter.

SECTION 43. Other General Laws. Notwithstanding any provision of this Charter, the Board may elect to operate under or adopt any general law or public act

available to municipalities of the State, in lieu of or in addition to provisions of this Charter.

SECTION 44. Penalties. Unless this Charter otherwise establishes a specific penalty for a violation, a fine may be assessed for any violation of this Charter.

SECTION 45. Ordinances to Continue in Effect. All ordinances and bylaws of the City of Milan not inconsistent with this Charter shall remain in effect until modified or repealed in accordance with the provisions of this Charter.

SECTION 46. Except as provided in Section 3 of this Charter concerning boundaries of the City, Chapter 458 of the Acts of 1901, and all acts amendatory thereto, are hereby repealed.

SECTION 47. Severability. If any article, section, subsection, paragraph, sentence, or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

SECTION 48. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the City of Milan, said vote to be taken not more than one hundred twenty (120) days after the effective date of this Act. The Mayor shall, within ten (10) days of such vote, certify to the Secretary of State the results of said vote.

SECTION 49. For the purpose of approving or rejecting the provisions of this Act, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 48.

**PASSED: February 25, 1999**

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 11th day of March 1999**

  
DON SUNDQUIST, GOVERNOR